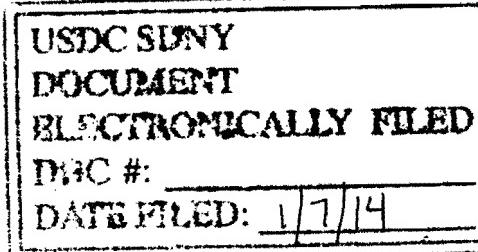


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X

IN RE: METHYL TERTIARY BUTYL
ETHER ("MTBE") PRODUCTS
LIABILITY LITIGATION : Master File No. 1:00-1898
: MDL 1358 (SAS)
: :
: No. M21-88
:
:
This document relates to: :
:
New Jersey Department of :
Environmental Protection et al., :
v. Atlantic Richfield Co., et al., :
08 Civ. 00312 :
X



SHIRA A. SCHEINDLIN, U.S.D.J.

[PROPOSED] CASE MANAGEMENT ORDER NO.

The following shall be the procedure to be followed regarding submissions of settlements in the New Jersey Litigation:

1. Notice of the settlement is published by NJDEP in the NJ Register and an unexecuted copy of the settlement agreement is posted on the NJDEP website for thirty (30) day public comment period.

2. Any defendant can comment or join in the comment of another person during the thirty (30) day comment period. Any defendant who does not comment during this period forfeits the right to object to the settlement. All other rights (for example, the right to object to allocation at trial) are preserved. A defendant must in good faith make all of the

arguments and objections to the settlement during the comment period, but does not waive the right to raise further objections if it discovers new facts or grounds for objection as a result of other comments or responses to comments.

3. NJDEP will provide responses to comments, if any, to the commenting defendant.

4. Upon execution of settlement documents, Plaintiffs shall notify defendants in writing that they plan to proceed with the settlement, identifying the form of the settlement, and that the document is executed and ready for submission to the Court.

5. Within ten (10) days of Plaintiffs' notification in paragraph 4 above, the parties shall meet and confer. Prior to such meet and confer, any defendant(s) planning to object to the settlement shall notify plaintiffs in writing and shall state the basis of the objection, including whether the objection is based on that defendant's comment or information learned through the comment period of NJDEP's response to comments.

6. If no notification of objection is received by NJDEP, the settlement will be submitted to the Court by letter, similar to what was done relative to the Marathon and Western settlements, with an indication to the Court that there was no opposition noticed.

7. If a notice of opposition is submitted by a commenting defendant, the settling parties have twenty-one (21) calendar days from such notification to file an initial brief requesting Court approval of the settlement.

8. Objecting defendants have twenty-one (21) calendar days from the filing of the initial briefs to file an opposition brief.

9. Reply briefs are due no later than ten (10) days after the last opposition brief is filed.

SO ORDERED


Shira A. Scheindlin, U.S.D.J.

DATED: New York, New York
January 7, 2014